

Docket No.
524941/0005
LR:DLS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: **Satoshi Shinada, et al.**

Group Art Unit No.: 2853

Application No.: 09/484,458 ✓

Examiner: **C. Stewart, Jr.**

Filed: **January 18, 2000**

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Date: **August 26, 2002**

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**SUBMISSION UNDER 37 C.F.R. § 1.97(f) SUPPLEMENTING
INFORMATION DISCLOSURE STATEMENT**

Sir:

This paper is submitted pursuant to 37 C.F.R. §1.97(f) in supplementation of the Information Disclosure Statement timely filed along with a Request for Continued Examination on June 12, 2002. For the following reasons, favorable consideration and confirmation that the U.S. patent application publication and pending U.S. patent applications presented in that Information Disclosure Statement have been considered is respectfully requested.

The June 12 Information Disclosure Statement was filed by hand prior to the mailing of a Notice of Allowance, as well as before the mailing of a first Office Action following filing of a Request for Continued Examination, and so complied with the timeliness requirements of 37 C.F.R. § 1.97.

The Information Disclosure Statement by Applicant form (PTO/SB/08a) filed along with the Information Disclosure Statement identified one U.S. patent application publication and six pending U.S. patent applications (along with various U.S. and foreign

patents, which are not now at issue). Copies of the publication and applications were also submitted.

A copy of the Information Disclosure Statement by Applicant form was returned to Applicants' attorneys with the Notice of Allowance mailed on July 12, 2002. On that returned form, the entries for the U.S. patent application publication and pending U.S. applications were struck out. The Examiner stated that the unpublished applications did not comply with the provisions of 37 CFR 1.97 and MPEP § 609, and that the unpublished applications had been added to the Examiner's search notes of record.

It is respectfully submitted that the cited U.S. patent application publication should not have been crossed out. The patent application publication was properly identified in the manner required by 37 C.F.R. § 1.98(b)(2), namely, by applicant, patent application publication number, and publication date, and a copy of that document was provided.

Since this reference was cited in the manner prescribed by Rules 97 and 98, this patent application should have been considered; confirmation of such consideration is hereby requested.

As regards the six cited U.S. patent applications, Rule 98 provides that such reference should be cited by inventor, application number and filing date. 37 C.F.R. § 1.98(b)(3). The undersigned acknowledges that these applications only were identified by application number, but notes that copies of the applications were provided. It is respectfully submitted that citation in this manner constitutes a *bona fide* attempt to comply with Rule 98¹, and that in this situation, additional time can be granted to enable full compliance. This paper

¹ Rule 98 provides in pertinent part that "(f) No extensions of time for filing an information disclosure statement are permitted under § 1.136. If a bona fide attempt is made to comply with § 1.98, but part of the required content is inadvertently omitted, additional time may be given to enable full compliance".

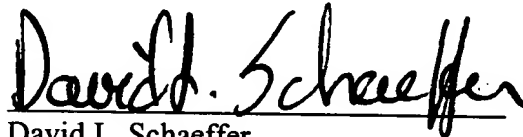
constitutes such compliance, since an updated Information Disclosure Statement by Applicant form has been submitted herewith. Furthermore, as a convenience, duplicate copies of the patent applications in question have been provided. Finally, as the Examiner is understood to have considered these applications, no new issues are raised.

Applicants respectfully request that the Examiner confirm each of the references in question have been considered, by initialing and returning to the undersigned a copy of the accompanying Information Disclosure Citation by Applicant form..

No fee is believed to be due in connection with the filing of this Submission. Should any such fee be due, however, the Commissioner is authorized to charge that fee to Deposit Account No. 19-4709.

Early and favorable action is earnestly solicited.

Respectfully submitted,



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